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**Gates & Cooper** LLPHoward Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045**FAX TRANSMISSION TO USPTO**TO: Commissioner for Patents  
Attn: Examiner Sharad K. Rampuria  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313-1450FROM: George H. Gates  
OUR REF.: G&C 139.136-US-U1  
TELEPHONE: (310) 642-4146

Total pages, including cover letter: 5

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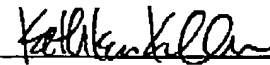
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Title of Document Transmitted:	TRANSMITTAL DOCUMENTS (2) AND PETITION UNDER 37 C.F.R. §1.181
Applicant:	William C. Y. Lee et al.
Serial No.:	09/625,626
Filed:	July 26, 2000
Group Art Unit:	2617
Title:	NETWORK ENGINEERING IN A WIRELESS NETWORK
Our Ref. No.:	G&C 139.136-US-U1

Please charge all fees to Deposit Account No. 50-0494 of Gates &amp; Cooper LLP.

By: Name: George H. Gates  
Reg. No.: 33,500

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
Signature16 OCT 2006  
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	William C. Y. Lee et al.	Examiner:	Sharad K. Rampuria
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Filed:	July 26, 2000	Docket:	G&C 139.136-US-U1
Title:	NETWORK ENGINEERING IN A WIRELESS NETWORK		

## CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on October 16, 2006.By: [Signature]  
Name: George H. GatesCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Petition Under 37 C.F.R. §1.181.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 50-0494 of Gates &amp; Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 22462GATES & COOPER LLPHoward Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797By: [Signature]  
Name: George H. Gates  
Reg. No.: 33,500  
GHG/kmk

G&amp;C 139.136-US-U1

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RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 2617

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By:   
Name: George H. Gates

PETITION UNDER 37 C.F.R. §1.181

BOX AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being submitted in accordance with M.P.E.P. §706.07(c) to invoke the supervisory authority of the Commissioner under 37 C.F.R. §1.181 involving an ex parte action in the above-identified patent application that is not subject to appeal and not otherwise provided for.

Applicants' attorney requests a review of the final rejection made in an Office Action dated August 21, 2006 for the above-identified patent application. This Petition is being submitted in response to the Office Action.

The 35 U.S.C. § 103(a) rejections in the Office Action were made final, even though the rejections of the Office Action were based on a reference (U.S. Patent No. 6,091,788; Keskitalo) that was not cited in a previous Office Action on the application. The Examiner asserted that the previously submitted amendments to the claims necessitated the new grounds of rejection.

Applicants' attorney disagrees.

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The previously submitted amendments to the claims merely amended the independent claims to incorporate limitations from the dependent claims. Specifically, independent claim 1 was amended to incorporate the limitations of dependent claim 12, and independent claim 16 was amended to incorporate the limitations of dependent claim 27.

The amendments and arguments made in response to the first Office Action should reasonably have been expected by the Examiner, since the subject of the amendments were part of the specification and, more importantly, part of the claimed subject matter, of the application as originally filed. See M.P.E.P. §§ 706.07(a) and 904 et seq.

As such, it is respectfully submitted that the rejections should not be made final because the rejections of the second Office Action include rejections made on prior art not of record, and consist solely of included limitations which should reasonably have been expected to be claimed. As a result, it is erroneous, as a matter of law, to state that the Applicants' amendments were not reasonably expected by the Examiner and therefore necessitated the new grounds of rejection. Consequently, the final rejection was premature, and Applicants' attorney respectfully requests its withdrawal.

This Petition is being submitted by facsimile, and thus Applicant requests that any required Petition fees be charged to the Deposit Account No. 50-494 (Gates & Cooper LLP). Any other fees should be charged to Deposit Account No. 50-0494 as well.

Respectfully submitted,

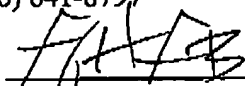
William C. Y. Lee et al.

By their attorneys,

GATES & COOPER LLP

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